

EXAMINER COMMENT

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2009 has been entered.

Response to Amendment

2. The declaration of Brian D. Rakowski under 37 CFR 1.132 filed 12/11/2009 is sufficient to overcome the rejection of claims 15-22, 32-37 and 41-44 based upon the combination of Moody et al. (US 2005/0144157) in view of Durazo et al. (US 2005/004990). The declaration and accompanying exhibits establish that the invention actually existed and worked for its intended purpose as of April 21, 2003, prior to the effective filing dates of the Moody and Durazo references.

Allowable Subject Matter

3. Claims 15-22, 32-37 and 41-44 (now renumbered 1-18) are allowed.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Primary Examiner, Art Unit 2448